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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,392	01/09/2004	Mauro Zona	Q78899	6109
23373	7590	11/01/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/753,392	ZONA, MAURO	
	Examiner	Art Unit	
	Vicky A. Johnson	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I claims 1-10 in the reply filed on September 2, 2005 is acknowledged. Claim 11 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Zarifé (US 4,741,726).

Zarifé discloses a toothed transmission belt (10), comprising a metal core coated with elastomer material, wherein said metal core comprises at least two mutually parallel and spaced apart metal strips (23), substantially coplanar to each other, arranged in the longitudinal direction of the belt (see Fig 3), and a plurality of metal cross-members (26), distributed according to a constant pitch in the longitudinal

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direction of the belt, which rigidly connect the two metal strips to each other and each whereof constitutes the core of a respective tooth of the toothed belt (see Fig 3).

Re claim 2, each cross-member of the aforesaid metal core, and consequently each tooth of the toothed transmission belt has a trapeze-shaped cross section (see Fig 3).

Re claim 4, each cross member is constituted by a hollow section bar (see Fig 3).

Re claim 5, the metal sheet constituting each cross member has slots traversed by the aforesaid metal strips (see Fig 3).

Re claims 4 and 6, the method of forming the device is not germane to the patentability of the device itself, and the bending operation and welding have not been given patentable weight, therefore the metal strips are attached to the cores (26) through the elastomeric material (16).

Re claim 7, each cross member of the metal core and consequently each tooth of the toothed transmission belt has a trapeze-shaped cross-section also in a plane that is orthogonal to the longitudinal direction of the belt, with the end surface of each tooth positioned in mutually converging inclined planes (see Figs 2 and 3).

Re claim 8, the toothed surface of the belt has a layer of adhesion-proof coating over the rubber coating (col. 5 lines 21-31).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Zarifé (US 4,741,726) in view of Takano (US 4,493,681).

Zarifé discloses the device as described above, but does not disclose each cross member of the metal core is constituted by a solid section metal bar.

Takano teaches each cross member of the metal core is constituted by a solid section metal bar.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Zarifé by having the metal core be a solid element as taught by Takano in order to extend the life of the belt.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarifé (US 4,741,726) in view of Milton (US 5,417,617).

Zarifé discloses the device as described above, but does not disclose a gear wheel meshing with said toothed belt

Milton discloses a gear wheel (10) meshing with said toothed belt, wherein said wheel has a plurality of peripheral teeth (26) alternating with cavities (28) and two end flanges (22, 24) which constitute the ends of the cavities (see Fig 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Zarifé to include the gear wheel as taught by Milton in order to reduce cost (col. 1 lines 15-23).

Re claim 10, said end flanges of the gear wheel have a circumferential distribution of windows (44) corresponding to the ends of the cavities between the teeth of the gear wheel, to prevent a contact between the inner surfaces of said flanges and the end surfaces of the teeth of the toothed transmission belt.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


4,786,273	Guskov et al	(reinforcement)
4,799,919	Kozachevsky et al	(reinforcement)
4,151,755	Allaben, Jr.	(reinforcement)
5,131,215	Williames	(reinforcement)
4,773,896	Bouteiller et al	(slots)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vicky A. Johnson 10/27/05  
Examiner  
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